

# SENATE JOURNAL

OF THE

## IDAHO LEGISLATURE

FIRST REGULAR SESSION  
FIFTY-SEVENTH LEGISLATURE

SIXTIETH LEGISLATIVE DAY  
THURSDAY, MARCH 6, 2003

Senate Chamber

President Risch called the Senate to order at 10 a.m.

Roll call showed all members present except Senators Bunderson, Burkett, Calabretta, Gannon, Schroeder, Stegner, and Stennett, absent and excused.

Prayer was offered by Acting Chaplain, Montie Ralstin, Jr., Pastor, Boise Valley Christian Communion, and former Senate Chaplain.

The Pledge of Allegiance was led by Mendi Ward, Page.

The Senate advanced to the Third Order of Business.

### Reading and Correction of the Journal

Senators Bunderson, Schroeder, Stegner, and Stennett were recorded present at this order of business.

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of March 5, 2003, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

### Reports of Standing Committees

Senator Gannon was recorded present at this order of business.

March 6, 2003

The JUDICIARY AND RULES Committee reports that **S 1140, S 1141, S 1142, and S 1143** have been correctly printed.

DARRINGTON, Chairman

**S 1140, S 1141, S 1142, and S 1143** were referred to the Finance Committee.

March 5, 2003

The JUDICIARY AND RULES Committee reports that **S 1029, S 1030, S 1032, S 1033, S 1034, S 1047, and S 1048** have been correctly enrolled.

DARRINGTON, Chairman

The President signed Enrolled **S 1029, S 1030, S 1032, S 1033, S 1034, S 1047, and S 1048** and ordered them transmitted to the House for the signature of the Speaker.

March 5, 2003

The JUDICIARY AND RULES Committee reports that Enrolled **S 1011, S 1052, and S 1106** were delivered to the Office of the Governor at 2:40 p.m., March 5, 2003.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

March 5, 2003

The AGRICULTURAL AFFAIRS Committee reports out **H 127 and H 129** with the recommendation that they do pass.

WILLIAMS, Chairman

**H 127 and H 129** were filed for second reading.

March 5, 2003

The LOCAL GOVERNMENT AND TAXATION Committee reports out **H 194** with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

BUNDERSON, Chairman

There being no objection, **H 194** was referred to the Fourteenth Order of Business, General Calendar.

March 5, 2003

The RESOURCES AND ENVIRONMENT Committee reports out **H 35, H 43, and H 46** with the recommendation that they do pass.

NOH, Chairman

**H 35, H 43, and H 46** were filed for second reading.

March 6, 2003

The FINANCE Committee reports out **S 1140, S 1141, S 1142, and S 1143** with the recommendation that they do pass.

CAMERON, Chairman

**S 1140, S 1141, S 1142, and S 1143** were filed for second reading.

March 5, 2003

The STATE AFFAIRS Committee reports out **S 1136, S 1137, H 268, H 267, H 260, and H 246** with the recommendation that they do pass.

SORENSEN, Chairman

**S 1136, S 1137, H 268, H 267, H 260, and H 246** were filed for second reading.

March 6, 2003

The LOCAL GOVERNMENT AND TAXATION Committee reports out **H 256**, as amended, and **H 257** with the recommendation that they do pass.

BUNDERSON, Chairman

**H 256**, as amended, and **H 257** were filed for second reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

#### Messages from the Governor

March 5, 2003

The Honorable James E. Risch  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that I have signed today and am transmitting to the Secretary of State the following Senate Bill, to wit:

**S 1035**

Sincerely,  
/s/ Dirk Kempthorne  
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Senate advanced to the Ninth Order of Business.

#### Messages from the House

March 5, 2003

Mr. President:

I transmit herewith **HJM 4, H 15, and H 264**, and I return herewith **S 1031 and S 1112**, which have passed the House.

JUKER, Chief Clerk

**HJM 4, H 15, and H 264** were filed for first reading.

**S 1031 and S 1112** were referred to the Judiciary and Rules Committee for enrolling.

March 5, 2003

Mr. President:

I transmit herewith Enrolled **H 115, H 116, H 181, H 182, H 145, H 146, H 103, H 138, H 23, H 24, and H 25** for the signature of the President, and I return herewith Enrolled **S 1026**, which have been signed by the Speaker.

JUKER, Chief Clerk

The President signed Enrolled **H 115, H 116, H 181, H 182, H 145, H 146, H 103, H 138, H 23, H 24, and H 25** and ordered them returned to the House.

Enrolled **S 1026** were referred to the Judiciary and Rules Committee for transmittal to the Office of the Governor.

The Senate advanced to the Tenth Order of Business.

#### Motions and Resolutions

On request by Senator Schroeder, granted by unanimous consent, **SCR 112** was referred to the Education Committee.

The President announced that **SCR 109** was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by President Pro Tempore Geddes, seconded by Senator Stennett, **SCR 109** was adopted by voice vote, title was approved, and the resolution ordered transmitted to the House.

The President announced that **SCR 110** was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by President Pro Tempore Geddes, seconded by Senator Stennett, **SCR 110** was adopted by voice vote, title was approved, and the resolution ordered transmitted to the House.

The Senate advanced to the Eleventh Order of Business.

#### Introduction, First Reading, and Reference of Bills, House Petitions, Resolutions, and Memorials

**S 1144**

**BY FINANCE COMMITTEE**

**AN ACT**

**APPROPRIATING MONEYS FOR THE COMMISSION ON AGING FOR FISCAL YEAR 2004; AND LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS.**

**S 1145**  
**BY FINANCE COMMITTEE**  
 AN ACT

APPROPRIATING MONEYS TO THE LEGISLATIVE COUNCIL FOR FISCAL YEAR 2004; AND PROVIDING THAT THE PRESIDENT PRO TEMPORE OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES SHALL DIRECT THE STATE CONTROLLER TO LIMIT THE FUNDS TRANSFER TO THE LEGISLATIVE FUND.

**S 1146**  
**BY FINANCE COMMITTEE**  
 AN ACT

APPROPRIATING MONEYS TO THE BOARD OF LAND COMMISSIONERS FOR THE ENDOWMENT FUND INVESTMENT BOARD FOR FISCAL YEAR 2004; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; PROVIDING A CONTINUOUS APPROPRIATION FOR CERTAIN COSTS; AND EXPRESSING LEGISLATIVE INTENT REGARDING THE TRANSFER OF MONEYS FROM THE EARNINGS RESERVE FUNDS TO THE INCOME FUNDS.

**S 1147**  
**BY FINANCE COMMITTEE**  
 AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF PARKS AND RECREATION FOR FISCAL YEAR 2004; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME POSITIONS; REAPPROPRIATING CERTAIN FUNDS FOR CAPITAL OUTLAY; AUTHORIZING THE CONTINUOUS APPROPRIATION OF CERTAIN FUNDS TO OPERATE THE DEPARTMENT'S ENTREPRENEURIAL BUDGET SYSTEM; APPROPRIATING MONEYS TO THE LAVA HOT SPRINGS FOUNDATION FOR FISCAL YEAR 2004; AND LIMITING THE NUMBER OF AUTHORIZED FULL-TIME POSITIONS.

**S 1148**  
**BY STATE AFFAIRS COMMITTEE**  
 AN ACT

RELATING TO THE LICENSING OF GOVERNMENT-OWNED OR CONTROLLED INSURERS; PROVIDING LEGISLATIVE INTENT; AND AMENDING SECTION 41-309, IDAHO CODE, TO CLARIFY THE DEFINITION OF CONTROL.

**S 1144, S 1145, S 1146, S 1147, and S 1148** were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

**HJM 4**, by Ways and Means Committee, was introduced, read at length, and referred to the Judiciary and Rules Committee.

**H 15**, by Mr. Speaker, was introduced, read the first time at length, and referred to the Health and Welfare Committee.

**H 264**, by Revenue and Taxation Committee, was introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

The Senate advanced to the Twelfth Order of Business.

**Second Reading of Bills**

Senator Calabretta was recorded present at this order of business.

**S 1128**, by Judiciary and Rules Committee, was read the second time at length and filed for third reading.

**H 132 and H 179**, by Business Committee, were read the second time at length and filed for third reading.

**H 32, H 30, H 58, H 60, and H 62**, as amended, by Mr. Speaker, were read the second time at length and filed for third reading.

**S 1139**, by State Affairs Committee, was read the second time at length and filed for third reading.

**H 113**, as amended in the Senate, by State Affairs Committee, was read the second time at length and filed for third reading.

**H 208**, as amended in the Senate, by Resources and Conservation Committee, was read the second time at length and filed for third reading.

**S 1060**, as amended, by State Affairs Committee, was read the second time at length and filed for third reading.

**S 1102**, as amended, by Health and Welfare Committee, was read the second time at length and filed for third reading.

**S 1010**, as amended, by Transportation Committee, was read the second time at length and filed for third reading.

**S 1130**, as amended, by State Affairs Committee, was read the second time at length and filed for third reading.

**S 1108**, as amended, as amended, by Local Government and Taxation Committee, was read the second time at length and filed for third reading.

**S 1143**, by Finance Committee, was read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

**Third Reading of Bills**

**S 1125** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Stegner arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Anderson (Noble), Andreason, Bailey, Brandt, Bunderson, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--None.

Absent and excused--Burkett. Total - 1.

Total - 35.

Whereupon the President declared **S 1125** passed, title was approved, and the bill ordered transmitted to the House.

Senator Burkett was recorded present at this order of business.

**S 1119** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Sorensen arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Anderson (Noble), Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **S 1119** passed, title was approved, and the bill ordered transmitted to the House.

**S 1097** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Goedde arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Anderson (Noble), Andreason, Bailey, Brandt, Bunderson, Burtenshaw, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Keough, Little, Lodge, Malepeai, McKenzie, McWilliams, Pearce, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 29.

NAYS--Burkett, Calabretta, Kennedy, Marley, Noh, Richardson. Total - 6.

Total - 35.

Whereupon the President declared **S 1097** passed, title was approved, and the bill ordered transmitted to the House.

**S 1127** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Goedde arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Anderson (Noble), Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **S 1127** passed, title was approved, and the bill ordered transmitted to the House.

**S 1110** was read the third time at length, section by section, and placed before the Senate for final consideration. Senators Stennett and Davis arose as co-sponsors of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Anderson (Noble), Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **S 1110** passed, title was approved, and the bill ordered transmitted to the House.

**S 1089** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Stennett arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Burkett, Calabretta, Gannon, Kennedy, Malepeai, Marley, Noh, Schroeder, Stegner, Stennett, Werk. Total - 12.

NAYS--Anderson (Noble), Bailey, Brandt, Bunderson, Burtenshaw, Cameron, Compton, Darrington, Davis, Geddes, Goedde, Hill, Ingram, Keough, Little, Lodge, McKenzie, McWilliams, Pearce, Richardson, Sorensen, Sweet, Williams. Total - 23.

Total - 35.

Whereupon the President declared that **S 1089** had failed to pass the Senate and ordered the bill filed in the office of the Secretary of the Senate.

**H 166** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Calabretta arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Anderson (Noble), Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **H 166** passed, title was approved, and the bill ordered returned to the House.

**H 247** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Bailey arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Pursuant to Senate Rule 39(H), Senator Stennett disclosed a possible conflict of interest under applicable law.

Roll call resulted as follows:

AYES--Anderson (Noble), Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **H 247** passed, title was approved, and the bill ordered returned to the House.

**H 255** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Werk arose as sponsor of the bill and opened the debate.

On motion by Senator Schroeder, seconded by Senator Werk, by voice vote **H 255** was referred to the Fourteenth Order of Business, General Calendar.

**H 223** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Sweet arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Anderson (Noble), Andreason, Bailey, Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noh, Pearce, Richardson, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--Schroeder. Total - 1.

Total - 35.

Whereupon the President declared **H 223** passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, all Senate bills were placed at the head of the Third Reading Calendar, followed by House bills amended in the Senate, followed by House bills.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

### Miscellaneous Business

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 12:15 p.m. until the hour of 10 a.m., Friday, March 7, 2003.

JAMES E. RISCH, President

Attest: JEANNINE WOOD, Secretary